

Minutes for Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, May 5, 2016

The Chair called the meeting to order at 7:02 pm.

1. Roll Call: Present: Lucien Benoit, Dean Naylor, Scott Lentz, Gary Palardy and David Punchak. Also in attendance were Town Planner Robert Ericson, Assistant Planner/Planning Secretary Bobbi Moneghan and Town Solicitor David Iglioizzi. Dinna Finnegan and Michael Fournier were absent.

2. Disclosure:

There were no disclosures.

3. Minutes: March 3 and April 7, 2016 minutes. Decision: Old Smithfield Road Wind Energy decision.

March 3, 2016 Minutes

Mr. Lentz made a motion to approve the minutes of the March 3, 2016 Planning Board meeting. Mr. Palardy seconded with all in favor.

Ms. Finnegan arrived at 7:05 PM.

April 7, 2016 Minutes

Dr. Benoit stated that he believes that there were significant questions and answers left out of the minutes regarding the

Development Plan Review for the Old Smithfield Road Wind Energy project. Chairman Naylor and Mr. Lentz agreed that because of the significance of this project it is important to record specific questions and answers from the meeting. There were other minor changes requested by members of the Board.

Dr. Benoit made a motion to reconsider the minutes from April 7, 2016 at the next Planning Board meeting on June 2, 2016. Mr. Palardy seconded with all in favor.

Mr. Ericson informed the Planning Board that there will be a meeting on May 19, 2016 to review the changes made to the decision for the Development Plan Review for the Old Smithfield Road Wind Energy project. He said the decision was to be changed to reflect the modifications made to the minutes from the April 7, 2016 meeting. He also said there will be a hearing for the 2016-2017 CDBG application on May 19, 2016.

Mr. Ericson addressed the five state tests for PB approval. He said that meeting the tests is a given unless a Planning Board member questions one of the tests. For example, question number two and the response are listed below:

The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;

Section F of North Smithfield Comprehensive Plan generally encourages economic development. Section G-4.1.3 encourages preservation of farmlands.

Mr. Ericson stated that NS does not have a Wind Turbine Ordinance. Some requirements that were not in the Development Plan Review would have appeared in a Wind Turbine Ordinance.

Ms. Finnegan made a motion to continue the approval of the Decision of the Development Plan Review: Old Smithfield Road Wind Energy project:

Applicant: Wind Energy Development, LLC

Location: 836 Old Smithfield Rd., Assessor's Plat 13 Lot 26

Zoning: RR (Rural Residential)

until the May 19, 2016 Planning Board meeting. Mr. Palardy and Mr. Lentz seconded with all in favor.

Chairman Naylor requested that in the future, the approval of minutes and approval of decisions be listed separately in the agenda.

4. Minor Subdivision Preliminary Plan: Minor Subdivision for Barbara M. Cesario.

Applicant: Barbara M. Cesario Location: 111 Pond House Rd

Assessor's Plat 11, Lot 212 Zoning: RR (Rural Residential) aka RA-65

Mr. Ericson said that the applicant name on the agenda should be Elizabeth M. Cesario instead of Barbara M. Cesario.

Mr. Norbert Therien, surveyor from National Land Surveyors-Developers, Inc. was present representing the applicant. Mr. Therien said the 17.049 acre Cesario property is on the east side of Pond House Road and the applicant would like to subdivide the property into two lots, one for the single family home and the other for agriculture use. He explained the applicant is working with RIDEM to subdivide the lot and transfer the development rights of the vacant lot to the RI Agricultural Land Preservation Commission for agricultural use in perpetuity.

Mr. Therien provided copies of a sample Deed to Development Rights and the Covenant Regarding Restriction of Property to Agricultural Uses. The Covenant specifies stipulations:

- 1. No building will be permitted on the property,**
- 2. No excavation will be allowed**
- 3. No refuse, trash**
- 4. No use that is inconsistent with the intent of the grant**
- 5. No structures or land shall be sold separately**
- 6. No use for anything other than agriculture**
- 7. No subdivision of property**

(See Covenant for more detailed stipulations)

Mr. Therien explained that the residential lot meets all requirements for zoning. Mr. Palardy asked how the vacant lot will be used and Mr. Therien explained it must be used for agriculture. It is currently used to grow corn.

Ms. Finnegan pointed out that the acreage is inconsistent between the plan and the field card on file with the Town. Mr. Therien was aware of the discrepancy and will make sure this is remedied. Mr. Iglioizzi stated that the test for approval of this subdivision is whether it complies with the Town Zoning Ordinance and Land Development and Subdivision Regulations. Mr. Therien stated it does.

Dr. Benoit commented that the PB has been discussing boundary markers, mainly permanent 5/8" rebar. Mr. Therien stated that this is what is being used. Mr. Ericson suggested the surveyor use rebar with plastic caps.

Ms. Finnegan made a motion to approve the minor subdivision preliminary plan (March 2016) of Elizabeth Cesario,

Location: 111 Pond House Rd

Assessor's Plat 11, Lot 212

Zoning: RR (Rural Residential) aka RA-65

Mr. Palardy and Dr. Benoit seconded. There was a roll call vote: Yes: 5: No: 0. Motion passed.

Mr. Therien requested that the final plan be approved administratively and Mr. Ericson agreed.

5. Dowling Village Plan proposed modification.

Mr. Ericson explained Condition 11 in the Dowling Village Phase 2 & 3 Preliminary and Final Plan approval. Condition 11 allowed expeditious down-sizing managed by the Administrative Officer (in North Smithfield, the Town Planner). Mr. Ericson said that eight modifications have been done this way to date. Mr. Ericson asked the PB to consider whether the modifications from offices to apartments fall under Condition 11.

Attorney John Mancini was present for the applicant, Bucci Development. Mr. Mancini explained Dowling Village Phase II & III regarding the office and residential requirements. He said the plan for the residential component of the Planned Unit Development has been changed from four apartment buildings to one building to be located where the office was originally designed to be located. He explained that because of the decrease in the square footage of the residential use, Condition 11 allows the applicant to submit for administrative approval. Mr. Mancini reviewed the history of Condition 11 and the original plan for Dowling Village. He said there have been changes made to uses of buildings, juxtaposition and size of buildings. The office component has been satisfied with the Aspen Dental building

and the footprint was decreased.

Dr. Benoit asked Mr. Mancini about the reduction in the footprint of the residential building versus the square footage of the building. Mr. Mancini pointed out that while the footprint of the building has only decreased by one square foot, the square footage of the impervious surface has decreased significantly. And because of the decrease in square footage, the amount of parking needed has decreased significantly. He also stated the overall drainage layout will not be changed. Mr. Palardy asked about sewer. Mr. Mancini said the sewer is handled through North Smithfield and the water through Woonsocket. Chairman Naylor asked about changes in the amount of water required and sewer requirements. Mr. Mancini told the PB said the water and sewer infrastructure are present and are based on the Dowling Village components in entirety.

Chairman Naylor asked about the addition of children to the residential area and their possible access to detention ponds. Mr. Mancini said there is already extensive fencing and the developer has tried to minimize access to unsafe locations. Dr. Benoit asked if this project is subject to inclusionary zoning and Mr. Mancini said that this project was approved before inclusionary zoning existed in North Smithfield. Ms. Finnegan asked about landscaping in the residential areas and Mr. Mancini told the Board that landscaping was in the original residential plans.

Dr. Benoit requested input from the solicitor. Mr. Iglioizzi stated that it is up to the Board to determine if this is a minor change under Condition 11. Dr. Benoit said he considers a footprint change of one square foot a minor change.

Chairman Naylor reviewed discussion of Condition 11 during the original approval process. He said because of the uncertainty of tenants and locations, the Board came up with the condition of administrative approval if there was less than a 20% reduction. He also stated that it was agreed that if there was a decrease in size of the development, it would be pulled away from Booth's Pond and toward Rte. 146 for environmental reasons. Chairman Naylor stated that originally the office space was predicted to increase jobs for North Smithfield but this cannot happen just by using Aspen Dental as the office space. Chairman Naylor does not believe this modification should be approved administratively because it is a change in use.

Mr. Mancini explained that the plans of retail and office space were conceptual and that the uses change according to the market. He said this modification is a relocation of use, not a change of use.

Mr. Palardy asked if there is a requirement for a specific amount of space for retail, office and residential. Mr. Iglioizzi explained that with the special use permit, the Zoning Board only gave guidelines that could not be exceeded. This modification satisfies the residential

requirement and any new tenants will be retail or office.

Mr. Lentz asked about the Dowling Village plan stipulation where the petitioner can change the size and location without changing the special use permit. Mr. Iglioizzi said the uses are permitted as long as the limits are not exceeded. He said because there is no Phase IV, the site has been compressed. He said the question the PB should be answering is: Does changing from seven residential buildings to one residential building constitute a minor change? If the PB agrees that it is a minor change, it can be approved administratively. Otherwise it has to go to a public hearing and be considered a major change.

Ms. Finnegan asked if there is a timeline for the phases. Mr. Ericson said there was no timeline because the major concern at the time of construction was the economy.

Dr. Benoit made a motion that the PB finds the modification falls under Condition 11 of the original plan and should be approved administratively. Mr. Palardy seconded. Roll call vote: Yes: Ms.Finnegan, Mr. Lentz, Mr. Palardy and Dr. Benoit, No: Chairman Naylor. Motion passed 4-1.

Mr. Palardy made a motion to take a five minute break at 8:22 PM. Ms. Finnegan seconded with all in favor.

Meeting resumed at 8:27 PM.

6. Review of Proposed Zoning Change, AP 13 Lot 70: Discussion, vote or other action by the Planning Board for 1) consistency with the Comprehensive Plan and 2) other recommendations for a change from Professional Services (PS) and Suburban Residential (RS) to Highway Business (BH). Applicant: Three Twenty Two Realty, LLC.

Mr. Ericson explained the issue with Plat 13 Lot 70 as follows: The Town GIS Plat 13 Lot 70 is incorrectly zoned as Residential – Suburban (RS) and should be Professional Services (PS). This is a clerical error. In the Comprehensive Plan it is proposed that this lot be changed to Mixed Use Office Commercial, a zoning category not defined in our Zoning Ordinance. The closest zoning category is Business Highway (BH), and therefore the lot should be changed to BH to be consistent with the Comprehensive Plan. The size of the lot has also been increased after a transfer in 2015 from Rock Cliff Farms.

Dr. Benoit made a motion to find the change to BH on Plat 13 Lot 70 consistent with the Comprehensive Plan. Mr. Palardy seconded. Mr. Lentz suggested the PB include a recommendation to include the history of the use of the Mixed Use Office Commercial zoning classification in the Comprehensive Plan and an explanation of why BH is the appropriate replacement for this classification on this lot. Roll call vote: Yes: 5, No: 0. Motion passed 5:0.

7. Community Development Block Grant review:

Ms. Moneghan explained that this item will be addressed at the next Planning Board meeting on May 19, 2016 when a public hearing will be held.

8. Development Plan Review: Cumberland Farms. This includes a continued Public Hearing.

**Applicant: Cumberland Farms, Inc. Location: 901 Victory Highway.
Assessor's Plat 1, Lot 52. Zoning: BN (Neighborhood Business)**

This item appears only for the purpose of continuing the public hearing to a time and date certain.

No one was present for the applicant. Dr. Benoit made a motion to open the public hearing at 8:48 PM, Mr. Palardy seconded with all in favor. No comments were made by the public. Dr. Benoit motioned to continue the public hearing until the next PB meeting on June 2, 2016. Mr. Palardy seconded with all in favor.

9. Proposed Amendments to Land Development & Subdivision Regulations (LD&SR):

Mr. Ericson stated that the discussion of the amendments to the LD&SR will be moved to the May 19, 2016 meeting. Chairman Naylor asked that the changes be sent to the PB before the packets for the

May 19 meeting are sent out.

Mr. Lentz told the Board he would not be present at the June 2, 2016 PB meeting.

10. Adjournment

Dr. Benoit made a motion to adjourn at 9:12 PM. Mr. Palardy seconded with all in favor.

Submitted by Bobbi Moneghan on May 24, 2016.

Approved by the Planning Board on June 2, 2016